

Message Text

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ACTION HA-05

INFO OCT-01 AF-10 ISO-00 IO-13 AID-05 L-03 ICAE-00
CIAE-00 INR-10 NSAE-00 INRE-00 SSO-00 VO-05 CA-01
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O R 031345Z AUG 78

FM AMEMBASSY MBABANE

TO SECSTATE WASHDC IMMEDIATE 5367

INFO AMEMBASSY GABORONE

C O N F I D E N T I A L MBABANE 2665

E.O. 11652: GDS

TAGS: SREF WZ

SUBJECT: REFUGEES: DENIAL BY GOS OF RIGHT OF RETURN CLAUSE

1. EMBASSY HAS BEEN INFORMED BY UNHCR REP SABITI THAT CABINET DECIDED AUGUST 1 TO REFUSE TO GRANT RETURN CLAUSE FOR FOUR SOUTH AFRICAN REFUGEE STUDENTS AWARDED PHELPS-STOKES SCHOLARSHIPS. OFFICIAL NOTIFICATION IS EXPECTED IN WRITING ON MONDAY, AUGUST 7, THE DATE WHEN THE FOUR SCHOLARSHIP RECIPIENTS WERE SCHEDULED TO LEAVE FOR U.S.

2. THE GOS IS FULLY AWARE OF ITS OBLIGATIONS, AS A RESULT OF HAVING SIGNED "CONVENTION" ON REFUGEES. IN MEETING WITH PRIMIN JULY 26 AMBASSADOR RAISED THE SUBJECT AND URGED HIS ASSISTANCE IN ASSURING THE RETURN CLAUSE TO ENABLE THE FOUR REFUGEE RECIPIENTS TO ACCEPT THE PHELPS-STOKES SCHOLARSHIPS; AT THE TIME, AMBASSADOR AND I EMPHASIZED THE BENEFITS OF TRAINING AND FACT THAT IT PROMISED TO BE LONG-TERM, WHILE NOTING IN PASSING THAT GOS HAS SUBSCRIBED TO THE CONVENTION WHICH ASSURES SUCH RIGHT OF RETURN. PRIMIN MAPHEVU'S REPLY WAS NOT REPEAT NOT REASSURING. HIS FIRST COMMENT WAS: "CONCEPTION OF REFUGEES IN THE WEST IS NOT THE SAME AS OURS."; HE WENT
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ON TO OUTLINE HIS BELIEF THAT "OTHER COUNTRIES SHOULD SHARE OBLIGATION TO TAKE REFUGEES."

3. PRIMIN'S POSITION, APPARENTLY RATIFIED BY THE CABINET DECISION, CONFRONTS US WITH CLEAR-CUT ISSUE OF WHETHER TO TAKE A STAND REQUIRING GOS GRANT RETURN CLAUSE AS CONDITION FOR OUR ACCEPTING AND PROCESSING THE SCHOLAR-

SHIPS FOR SOUTH AFRICAN REFUGEES. THERE ARE BASICALLY TWO OPTIONS: (A) TO INSIST THAT RETURN CLAUSE BE GRANTED, OR (B) TO SEEK A WAIVER OR OTHER MEANS OF CIRCUMVENTING IT.

4. OPTION A WOULD ENTAIL FOLLOWING ACTIONS:

(1) INFORM GOS EITHER DIRECTLY AND/OR THROUGH UNHCR THAT U.S. IS UNABLE TO PROCESS SCHOLARSHIP AWARDS IF GOS WITHHOLDS RETURN CLAUSE FROM TRAVEL DOCUMENT;

(2) REQUEST UN HIGH COMMISSIONER HARTLING TO INFORM GOS OF ITS OBLIGATION UNDER REFUGEE CONVENTION AND TO URGE GOS TO GRANT THE RETURN CLAUSE;

(3) REITERATE TO GOS DIRECTLY AND/OR THROUGH UNHCR THAT CONSEQUENCES OF WITHHOLDING RETURN CLAUSE WOULD MEAN LOSS OF SCHOLARSHIPS NOT ONLY FOR THESE FOUR RECIPIENTS BUT THAT U.S. WOULD HENCEFORTH NOT GRANT SCHOLARSHIPS TO REFUGEES IN SWAZILAND (WITH CONSEQUENCE THAT BURDEN WOULD FALL MORE HEAVILY ON GOS); AND

(4) THAT STUDENT REFUGEES HAVE PROSPECT OF LONG-TERM TRAINING THAT WOULD ENHANCE THEIR ABILITY TO CONTRIBUTE IN COMING YEARS TO DEVELOPMENT AND POLITICAL CONFIDENTIAL

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STABILITY IN THE AREA.

5. OPTION B WOULD REQUIRE FOLLOWING ACTIONS:

(1) REQUEST USG TO WAIVE RETURN CLAUSE, PREFERABLY AS ONE-TIME EXCEPTION, WHILE INFORMING GOS THAT USG WOULD NOT THEREAFTER GRANT SCHOLARSHIPS TO REFUGEES IN SWAZILAND;

(2) JUSTIFY THE ONE-TIME WAIVER REQUEST ON GROUNDS THAT FOUR RECIPIENTS WOULD BE DEEPLY DISAPPOINTED (WITH CONSEQUENCES FOR U.S. ROLE AND REPUTATION IN REFUGEE CIRCLES), OUR CONFIDENCE THAT TRAINED MAN-POWER IS GREATLY IN NEED IN SOUTHERN AFRICA AND IS LIKELY TO REMAIN IN NEED WHEN REFUGEE STUDENTS HAVE COMPLETED THEIR TRAINING. UNTIL RESULTS OF THE TRAINING CAN BE ESTIMATED, IT WOULD APPEAR PREMATURE TO SUGGEST HOW AND WHERE THE REFUGEE STUDENT TRAINEES MIGHT FIND EMPLOYMENT.

6. ACTION REQUESTED: DEPARTMENT GUIDANCE BY IMMEDIATE CABLE ON WHETHER TO PURSUE OPTION A OR B.

WACHOB

NOTE BY OC/T: TELEGRAM DELAYED IN TRANSMISSION

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